

Remarks Amendment C**General**

The applicant respectfully requests that the application be amended as indicated and pray that the new limitations presented will provide condition for allowance. These limitations were not previously presented because the applicant desired the broadest coverage possible.

Claims**Claim 9:**

Claim 9 replaces prior Claim 1 and includes the subject matter of the allowed Claim 4 and independent Claim 2 and Claim 3 in accordance with the Office Action (OA) correspondence.

Claims 10, 11 and 12:

Claims 10, 11 and 12 replace Claims 5, 6 and 7 respectively and are dependent on new Claim 9.

Claim 13:

Claim 13 is added to show distinction over the prior art and to disclose the manufacturing advantage of this invention as described in page 4 of the specification and in Fig. 2 showing toggle clamps operating in opposite directions.

Claim 14:

The preamble of Claim 14 limits the use of the invention to coupled conduits that are used to house cables to better define the art of this invention. The claim defines the configuration of the interior of the conduits so as to accept cable installation using normal methods.

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Claim 15:

Claim 15 replaces Claim 8. The preamble of Claim 15 limits use of the invention to coupled conduits that are used to house cables. Also, the seal definition is limited and the interior of the coupled conduits is defined. The purpose of these changes over Claim 8 is to better define the purpose of the invention and to show distinction over prior art.

The OA states "When the prior art device is the same as a device described in the specification, it can be assumed the device will inherently perform the same process."

In order for the prior art device and the device described in the specification to be the same the prior art must be anticipated to be combined.

The **advantages** of the present invention as listed in the specification are cost effectiveness, easy to install without tools, is structurally sound, can easily be removed, is reusable, can be used for broken conduit repair, provides a positive seal between conduits, rigidly joins the conduits, and is well suited for allowing (optical or electric) cable insertions by conventional processes.

Brunhoff is not cost effective, is not structurally sound for this application, does not rigidly join the conduits, cannot be used for broken conduit repair, and cannot allow insertion of cable because the conduit is filled with oil (nonanlagous art).

Prior art Figure 1 does not contain hinges, does not have toggle clamps, is not easy to install without tools, and cannot be easily removed.

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"Prior art references in combination do not make an invention obvious unless something in the prior art references would suggest the **advantage** to be derived from combining their teachings." In re Sernaker, 702 F.2d 989 (1983).

Since nothing in either prior art suggests all of the **advantages** of the present invention and did not suggest the invention's result, the invention is non-obvious. The asserted prior art device is not the same as the invention and therefore cannot be assumed to inherently perform the same process.

The OA states (concerning previous Claim 8) that "in regards to claim 8, Applicant's prior art Figure 1 an view of Brunhoff disclose the claimed invention except for a method of rigidly joining abutting ends of relatively soft plastic conduits." Brunhoff shows two half shells (14,15) that house eight separate pieces of soft rubber seals (26,27,28,20). Brunhoff shows two conduits (20) joined with a threaded coupling (21). Therefore, Brunhoff cannot be "inserting the end of first said conduit approximately halfway into an "encompassing seal" or "a generally cylindrical continuous circumferential seal" because:

- a) Brunhoff's seal is in eight pieces that are integral with the "half shells".
- b) Brunhoff's conduit is normally and usually attached to another conduit through a threaded coupling and therefore neither conduit can be inserted into the seal of this invention.
- c) Brunhoff does not prepare conduit for the installation of cable within the conduit.

Brunhoff cannot "insert the end of second said conduit" for the exact same reasons.

None of the prior art can be "encompassing said conduits and said seal with a pair of hinged half shells" because:

- a) prior art Fig. 1 has no hinges, and

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b) Brunhoff shows eight separate seals integrally mounted in half shells and therefore the hinged half shells cannot encompass a seal.

No teaching in the prior art suggests the combination of the method of this claim.

There is no suggestion in the prior art of the **advantage** (see prior listing) to be derived from combining their teaching. In order for that to exist, prior-art Fig. 1 would have to suggest the use of toggle clamps, or Brunhoff would have to suggest the use of an encompassing seal. Neither of these exists in the prior art and therefore the suggested **advantage** is lacking. Without the suggestion, the applicant contends that the method of this invention is not obvious to someone skilled in the art.

Claim 16:

Claim 16 is similar to Claim 15 with the added process of installing cable in the coupled conduits.

The applicant respectfully requests, if any of the combination of material in new Claims 14, 15 and 16 is deemed patentable but not properly claimed herein, that a proper claim or claims be provided by the examiner.

Conclusion:

For all the above reasons, Applicant submits that the specification and claims are in proper form, and that the claims all define patentability over the prior art.

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Therefore, the Applicant submits that the application is now in condition for allowance and respectfully requests such action.

Very Respectfully,

A handwritten signature in cursive script that reads "Myrl J. Saarem".

Myrl J. Saarem

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